



# Local Government and Public Involvement in Health Act 2007

## 2007 CHAPTER 28

### PART 10

#### ETHICAL STANDARDS

#### CHAPTER 1

##### CONDUCT OF LOCAL AUTHORITY MEMBERS

##### *Codes of conduct*

#### **183** Conduct that may be covered by code

(1) In section 49 of the Local Government Act 2000 (c. 22) (principles governing conduct of members of relevant authorities), after subsection (2) insert—

<sup>F1</sup>“(2A) .....

<sup>F1</sup>(2B) .....

(2C) An order under subsection (1) may define, for the purposes of the order—  
“official capacity”; and  
“criminal offence”.

(2D) An order under subsection (2)—

- (a) may specify principles which are to apply to a person at all times;
- (b) may specify principles which are to apply to a person otherwise than at all times.”

(2) In section 50 of that Act (model code of conduct), after subsection (4) insert—

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F2cc(4A) .....

F2(4B) .....

(4C) A model code of conduct issued under subsection (1) may define for the purposes of the code—  
“official capacity”; and  
“criminal offence”.

(4D) Provision included under subsection (4A) or (4C) in a model code of conduct—  
(a) must be consistent with the provision for the time being included in an order under section 49(1) by virtue of section 49(2A) or (2C);  
(b) is to be mandatory except to the extent that it relates to an optional provision;  
(c) to the extent that it relates to an optional provision, is to be mandatory where that optional provision is incorporated in a code of conduct under section 51.

(4E) A model code of conduct issued under subsection (2) may include—  
(a) provisions which are to apply to a person at all times;  
(b) provisions which are to apply to a person otherwise than at all times.”

(3) In section 51 of that Act (duty of relevant authorities to adopt codes of conduct), after subsection (4) insert—

F3cc(4A) .....

F3(4B) .....

(4C) The provisions which may be included under subsection (4)(c) by a relevant authority in Wales other than a police authority include—  
(a) provisions which are to apply to a person at all times;  
(b) provisions which are to apply to a person otherwise than at all times.”

(4) In section 52 of that Act (duty to comply with code of conduct), in each of subsections (1) to (4), omit the words “in performing his functions”.

(5) Subsection (6) below applies where immediately before the commencement date a person is a member or co-opted member of a relevant authority and not prevented by any provision of section 52 of that Act from acting as such.

(6) The coming into force of this section shall not have the effect of preventing the person from acting as a member or co-opted member of the relevant authority, but—  
(a) he must before the end of the prescribed period give to that authority a written undertaking that he will observe the authority's code of conduct for the time being; and  
(b) if he fails to comply with paragraph (a), he shall cease to be a member or co-opted member at the end of that period.

(7) With effect from the commencement date—  
(a) any order under section 49(2) or 50(2) of the Local Government Act 2000 (c. 22), and  
(b) any code of conduct of a relevant authority F4 ...,

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which is in force immediately before that date shall have effect as if the amendments made by this section had always had effect.

- (8) Subsection (7) does not affect the operation of any order or code in relation to any time before the commencement date.
- (9) In this section the following expressions have the same meanings as in Part 3 of the Local Government Act 2000—
- “code of conduct”;
  - “co-opted member”;
  - “member of a relevant authority”;
  - “relevant authority”.
- (10) References in subsections (6) to (8) to the code of conduct of a relevant authority include, in relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b) of the Local Government Act 2000, those mandatory provisions.
- (11) In this section—
- “the commencement date” means the date this section comes into force;
  - “the prescribed period” means such period, beginning with the commencement date, as may be prescribed for the purposes of subsection (6) by order made by the Secretary of State.

#### Textual Amendments

- F1** Words in s. 183(1) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 4 para. 55\(2\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)
- F2** Words in s. 183(2) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 4 para. 55\(3\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)
- F3** Words in s. 183(3) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 4 para. 55\(4\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)
- F4** Words in s. 183(7)(b) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 4 para. 55\(5\)](#), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(a)(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

#### Commencement Information

- I1** S. 183(1) in force at 31.1.2008 for specified purposes by [S.I. 2008/172](#), [art. 5\(1\)\(a\)](#)
- I2** S. 183(2) in force at 31.1.2008 for specified purposes by [S.I. 2008/172](#), [art. 5\(1\)\(b\)](#)
- I3** S. 183(3) in force at 31.1.2008 for specified purposes by [S.I. 2008/172](#), [art. 5\(1\)\(c\)](#)
- I4** S. 183(4)-(6) in force at 31.1.2008 for W. by [S.I. 2008/172](#), [art. 5\(2\)](#)
- I5** S. 183(7)-(11) in force at 31.1.2008 by [S.I. 2008/172](#), [art. 5\(1\)\(d\)](#)

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**184 Certain references to code of conduct to include default code**

(1) In section 37 of the Local Government Act 2000 (c. 22) (local authority constitution), after subsection (3) insert—

“(4) In relation to an authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), the reference in subsection (1)(c) to the authority's code of conduct for the time being under section 51 is to the mandatory provisions which for the time being apply to the members and co-opted members of the authority.”

(2) In section 52 of that Act (duty to comply with code of conduct), after subsection (4) insert—

“(5) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b)—

(a) the references in subsections (2) to (4) to the authority's code of conduct for the time being under section 51 include the mandatory provisions which for the time being apply to the members and co-opted members of the authority, and

(b) the references in subsections (3) and (4) to any time after the authority have adopted a code of conduct under section 51 for the first time are to be read as references to any time after the coming into force of section 184 of the Local Government and Public Involvement in Health Act 2007.”

(3) In section 54 of that Act (functions of standards committees), after subsection (3) insert—

“(3A) In relation to a relevant authority whose members and co-opted members are subject to mandatory provisions by virtue of section 51(5)(b), references in subsection (1)(b) and (2)(b) and (c) to the authority's code of conduct are to those mandatory provisions.”

**Commencement Information**

**I6** S. 184 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(i\)](#)

*Conduct of members of authorities in England: assessment of allegations*

**F5 185 Assessment of allegations**

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**Textual Amendments**

**F5** Ss. 185-187 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), [art. 5\(d\)](#) (with [arts. 6, 7](#)) (as amended (3.7.2012) by [S.I. 2012/1714](#), [art. 2](#)); [S.I. 2012/2913](#), [arts. 1\(2\), 2\(b\)\(c\)](#) (with [arts. 3-6](#))

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**F<sup>5</sup>186 Information to be provided to Standards Board by relevant authority**

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**Textual Amendments**

**F5** Ss. 185-187 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

*Conduct of local authority members: miscellaneous amendments*

**F<sup>5</sup>187 Chairmen of standards committees**

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**Textual Amendments**

**F5** Ss. 185-187 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**188 Sub-committees of standards committees**

(1) In section 54A of the Local Government Act 2000 (sub-committees of standards committees)—

(a) in subsection (2) omit the words “55 or”;

**F<sup>6</sup>(b)** .....

**F<sup>6</sup>(c)** .....

**F<sup>7</sup>(2)** .....

**Textual Amendments**

**F6** S. 188(1)(b)(c) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**F7** S. 188(2) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**Commencement Information**

**I7** S. 188 in force at 31.1.2008 by [S.I. 2008/172](#), [art. 2\(1\)\(j\)](#) (with [art. 2\(2\)](#))

**F<sup>8</sup>189 Joint committees of relevant authorities in England**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F8 190 Standards Board for England: functions**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F8 191 Ethical standards officers: investigations and findings**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F8 192 Ethical standards officers: reports etc**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F8 193 Disclosure by monitoring officers of ethical standards officers' reports**

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**Textual Amendments**

**F8** Ss. 189-193 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

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## 194 Matters referred to monitoring officers

F<sup>9</sup>(1) .....

F<sup>9</sup>(2) .....

F<sup>9</sup>(3) .....

F<sup>9</sup>(4) .....

F<sup>9</sup>(5) .....

F<sup>9</sup>(6) .....

F<sup>9</sup>(7) .....

(8) In section 73 of that Act (matters referred to monitoring officers in Wales), in each of subsections (1) and (7), for “70(4) or 71(2)” substitute “ 70(4) or (5) or 71(2) or (4) ”.

(9) In section 82A(1) of that Act (delegation of functions by monitoring officers), for the words from “60(2)” to “71(2)” substitute “ 57A, 60(2) or (3), 64(2) or (4), 70(4) or (5) or 71(2) or (4) ”.

### Textual Amendments

**F9** S. 194(1)-(7) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

### Commencement Information

**I8** S. 194 in force at 31.1.2008 by [S.I. 2008/172](#), art. 2(1)(o)

## F<sup>10</sup>195 References to Adjudication Panel for action in respect of misconduct

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### Textual Amendments

**F10** Ss. 195, 196 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

## F<sup>10</sup>196 Consultation with ombudsmen

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### Textual Amendments

**F10** Ss. 195, 196 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

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## 197 Interim case tribunals

- (1) Section 78 of the Local Government Act 2000 (c. 22) (decisions of interim case tribunals) is amended as follows.
- (2) In subsection (1)(b) for “authority concerned” substitute “ relevant authority concerned ”.
- (3) For subsections (2) and (3) substitute—
  - “(2) If the decision of the interim case tribunal is as mentioned in subsection (1) (a), the tribunal must give notice of its decision to the standards committee of the relevant authority concerned.
  - (3) If the decision of the interim case tribunal is as mentioned in subsection (1) (b), the tribunal must give notice to the standards committee of the relevant authority concerned stating that the person concerned is suspended or partially suspended for the period, and in the way, that the tribunal has decided.
  - (3A) The effect of a notice given under subsection (3) is to suspend or partially suspend the person concerned as mentioned in subsection (3).”
- (4) In subsection (6) for “under section 79 is given” substitute “ is given by virtue of section 78A or 79 ”.
- (5) For subsection (8) substitute—
  - “(8) Where the person concerned is no longer a member or co-opted member of the relevant authority concerned, but is a member or co-opted member of another relevant authority—
    - (a) the references in subsection (1) to the relevant authority concerned are to be treated as references to that other authority,
    - (b) the references in subsections (2) and (7)(b) to the relevant authority concerned are to be treated as including a reference to that other relevant authority,
    - (c) the duty under subsection (3) to give notice to the standards committee of the relevant authority concerned is to be treated as a duty—
      - (i) to give that notice to the standards committee of that other relevant authority, and
      - (ii) to give a copy of that notice to the standards committee of the relevant authority concerned.
  - (8A) Subsection (8) does not apply unless—
    - (a) where the relevant authority concerned is in England, the other relevant authority is also in England,
    - (b) where the relevant authority concerned is in Wales, the other relevant authority is also in Wales.”
- (6) After subsection (10) insert—
  - “(11) An appeal may not be brought under subsection (10) except with the leave of the High Court.”



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**Commencement Information**

**19** S. 197 in force at 12.12.2008 by S.I. 2008/3110, art. 2(d)

**F11 198 Case tribunals: England**

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**Textual Amendments**

**F11** S. 198 repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by Localism Act 2011 (c. 20), s. 240(2), Sch. 25 Pt. 5; S.I. 2012/1463, art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by S.I. 2012/1714, art. 2); S.I. 2012/2913, arts. 1(2), 2(b)(c) (with arts. 3-6)

**199 Case tribunals: Wales**

- (1) Section 79 of the Local Government Act 2000 (c. 22) (decisions of case tribunals) is amended as follows.
- (2) For the sidenote substitute “ Decisions of case tribunals: Wales ”.
- (3) Before subsection (1) insert—
  - “(A1) In this section “Welsh case tribunal” means a case tribunal drawn from the Adjudication Panel for Wales.”
- (4) In subsections (1) to (15) for “case tribunal”, in each place where it occurs, substitute “ Welsh case tribunal ”.
- (5) In subsection (8)(c) for “must be suspended or partially suspended by the relevant authority concerned” substitute “ is suspended or partially suspended ”.
- (6) For subsection (9) substitute—
  - “(9) The effect of a notice given to the standards committee of a relevant authority under subsection (8) is to suspend or partially suspend the person concerned as mentioned in subsection (8)(c).”
- (7) In subsection (12), for paragraph (a) substitute—
  - “(a) must be given to the Public Services Ombudsman for Wales.”.
- (8) In subsection (13)—
  - (a) for “the same country (that is to say, England or Wales)” substitute “ Wales ”;
  - (b) for paragraph (b) substitute—
    - “(b) the reference in subsection (4)(a) to the relevant authority concerned is to be treated as a reference to that other relevant authority.”.
- (9) After subsection (15) insert—
  - “(16) An appeal may not be brought under subsection (15) except with the leave of the High Court.”

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**Commencement Information**

**I10** S. 199 in force at 12.12.2008 by [S.I. 2008/3110](#), [art. 2\(f\)](#)

**200 Exemption from Data Protection Act 1998**

In section 31 of the Data Protection Act 1998 (c. 29) (exemptions for regulatory activity), after subsection (6) insert—

“(7) Personal data processed for the purpose of discharging any function which is conferred by or under Part 3 of the Local Government Act 2000 on—

- (a) the monitoring officer of a relevant authority,
- (b) an ethical standards officer, or
- (c) the Public Services Ombudsman for Wales,

are exempt from the subject information provisions in any case to the extent to which the application of those provisions to the data would be likely to prejudice the proper discharge of that function.

(8) In subsection (7)—

- (a) “relevant authority” has the meaning given by section 49(6) of the Local Government Act 2000, and
- (b) any reference to the monitoring officer of a relevant authority, or to an ethical standards officer, has the same meaning as in Part 3 of that Act.”

**Commencement Information**

**I11** S. 200 in force at 1.4.2008 by [S.I. 2008/172](#), [art. 4\(k\)](#)

**201 Supplementary and consequential provision**

(1) Subsection (2) applies in relation to any provision of Part 3 of the Local Government Act 2000 (c. 22) which is applied (with or without modifications) by an order under section 70 of that Act made before the passing of this Act.

(2) Any amendment of that provision by this Part does not extend to the provision as so applied.

(3) Where a provision mentioned in section 70(2)(a) of that Act is amended by this Part, the power in section 70(2) of that Act to apply or reproduce that provision (with or without modifications) is a power to apply or reproduce (with or without modifications) that provision either as amended by this Part or without the amendments made by this Part.

(4) In the Local Government Act 1972 (c. 70)—

- (a) in section 85(3A) (vacation of office by failure to attend), for “73, 78” substitute “66A, 73, 78, 78A”;

<sup>F12</sup>(b) .....

<sup>F12</sup>(c) .....

<sup>F13</sup>(5) .....

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- (6) In the Greater London Authority Act 1999 (c. 29), in each of sections 6(5) and 13(2) (failure to attend meetings), for “73, 78” substitute “ 66A, 73, 78, 78A ”.

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#### Textual Amendments

**F12** S. 201(4)(b)(c) repealed (1.7.2012 for specified purposes, 22.11.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 25 Pt. 5](#); [S.I. 2012/1463](#), art. 5(d) (with arts. 6, 7) (as amended (3.7.2012) by [S.I. 2012/1714](#), art. 2); [S.I. 2012/2913](#), arts. 1(2), 2(b)(c) (with arts. 3-6)

**F13** S. 201(5) repealed (1.4.2015) by [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 1 Pt. 2](#); [S.I. 2015/841](#), art. 3(a) (with arts. 5-8, [Sch.](#)) (as amended (27.6.2016) by [S.I. 2016/675](#), art. 2)

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#### Commencement Information

**I12** S. 201 in force at 1.4.2008 by [S.I. 2008/172](#), [art. 4\(I\)](#)

**Status:**

Point in time view as at 26/05/2015.

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government and Public Involvement in Health Act 2007, Chapter 1.